

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael E. LaSalle

Group Art Unit: 3721

Serial No.: 10/779,960

Examiner: Christopher R. Harmon

Filed: February 17, 2004

Attorney Docket: STG-001

Title: Methods and Apparatus for Fabricating, Handling and Transporting Elongate Bags of Material

Honorable Commissioner for Patents
Alexandria, VA 22313

Sir:

REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

This is a timely reply to the Notification of Non-Compliant Appeal Brief mailed on May 1, 2008, in the above-referenced application. No fee is believed due for this filing. If any fee is due, please charge the fee to my deposit account no. 07-1732.

Remarks begin on page two hereof.

Corrected Section V. of Applicant's Brief on Appeal is appended following the Remarks.

REMARKS

On November 28, 2007, all pending claims (claims 3-29, 36 and 37) in the above-referenced application were finally rejected by the Examiner. On February 28, 2008, an amendment after final was filed pursuant to 37 C.F.R. §1.113 to limit the subject matter on appeal. A Notice of Appeal (with fee) was also filed on February 28, 2008, appealing the final rejection of claims 3-29, 36 and 37. An Advisory Action Before the Filing of an Appeal Brief was mailed on March 17, 2008, indicating that the proposed amendment would not be entered. Applicant's Brief on Appeal (with fee) was filed on April 28, 2008, along with an Amendment Pursuant to 37 C.F.R. §41.33(b).

On May 1, 2008, a Notification of Non-Compliant Appeal Brief was mailed, requiring correction of Section V. of the Appeal Brief and indicating that only the defective section of the Appeal Brief must be re-submitted. Accordingly, only Section V. of Applicant's Brief on Appeal, as corrected to comply with the Notification of Non-Compliant Appeal Brief, is attached hereto for re-submittal.

Section V. has been amended to provide a concise explanation of the subject matter of independent claim 25, referring to the specification by page and line numbers and to the drawings by reference characters. It is believed that Applicant's Brief on Appeal now strictly complies with 37 C.F.R. §41.37. It is respectfully requested that the Appeal Brief, as hereby

amended, be entered and considered and that the application be expeditiously forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Respectfully submitted,



Jay P. Sbrollini
Reg. #36,266
Attorney for Applicant(s)

GORDON & JACOBSON, P.C.
60 Long Ridge Road
Suite 407
Stamford, CT 06902
voice: (203) 323-1800
fax: (203) 323-1803
email: jay@gordonjacobson.com

May 15, 2008

V. Summary of the Claimed Subject Matter

Independent claim 12 is directed to a method of handling material comprising packaging material into elongate bags (Block B20 of FIG. 2 and page 7, lines 7-17) and automatically arranging the elongate bags into groups (Block B30 of FIG. 2 and page 7, lines 19-20). At least one of these groups has a cross-stacked configuration wherein a first set of bags are disposed side-by-side along their lengths and at least one additional bag is disposed orthogonal to and adjacent said first set of bags (FIGS. 3 and 4 and page 7, line 20 to page 8, line 5). The groups of elongate bags are automatically lifted and transported, group by group, to form a multi-row stack of elongate bags. (Block B40 of FIG. 2 and page 8, lines 10-14). The lifting and transporting is accomplished by a stacker machine (FIG. 3) that applies opposed clamping forces to opposite sides of at least one group having a cross-stacked configuration while preventing elongate bags disposed side-by-side in the cross-stacked configuration from sliding past one another (FIG. 3 and page 8, line 16 to page 9, line 8). The opposed clamping forces are applied to only two sides of the at least one group and the opposed clamping forces alone being sufficient to lift the at least one group (page 8, lines 16 to 18). The stacker machine has a moveable stacker head (303 of FIG. 3) with two fingers (305A, 305B of FIG. 3) that apply opposed clamping forces to grip a given group of elongate bags and at least one support structure (307A, 307B in FIG. 3) that is operably disposed between bags disposed side-by-side in the cross-stacked configuration to prevent such bags from sliding past one another while not providing resistance to the opposed clamping forces (page 8, line 16 to page 9, line 8).

Dependent claim 13 recites that the support structure comprises at least one chain. This is described at page 8, line 21 through page 9, line 3.

Dependent claim 14 recites the support structure comprises one of wire strands and rope strands. This is described at page 9, lines 3-5.

Independent claim 25 is directed to a material handling system comprising means for packaging material into elongate bags (Block B20 of FIG. 2 and page 7, lines 7-17) and means for automatically arranging the elongate bags into groups (Block B30 of FIG. 2 and page 7, lines 19-20). At least one of these groups has a cross-stacked configuration wherein a first set of bags are disposed side-by-side along their lengths and at least one additional bag is disposed orthogonal to and adjacent said first set of bags (FIGS. 3 and 4 and page 7, line 20 to page 8, line 5). The groups of elongate bags are automatically lifted and transported, group by group, to form a multi-row stack of elongate bags. (Block B40 of FIG. 2 and page 8, lines 10-14). The lifting and transporting is accomplished by a stacker machine (FIG. 3) that applies opposed clamping forces to opposite sides of at least one group having a cross-stacked configuration while preventing elongate bags disposed side-by-side in the cross-stacked configuration from sliding past one another (FIG. 3 and page 8, line 16 to page 9, line 8). The opposed clamping forces are applied to only two sides of the at least one group and the opposed clamping forces alone being sufficient to lift the at least one group (page 8, lines 16 to 18). The stacker machine has a moveable stacker head (303 of FIG. 3) with two fingers (305A, 305B of FIG. 3) that apply opposed clamping forces to grip a given group of elongate bags and at least one support structure (307A, 307B in FIG. 3) that is operably disposed between

bags disposed side-by-side in the cross-stacked configuration to prevent such bags from sliding past one another while not providing resistance to the opposed clamping forces (page 8, line 16 to page 9, line 8).

Dependent claim 26 recites that the support structure comprises at least one chain. This is described at page 8, line 21 through page 9, line 3.

Dependent claim 27 recites the support structure comprises one of wire strands and rope strands. This is described at page 9, lines 3-5.